



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 24, 2005

MEMORANDUM TO:

Bruce A. Boger, Director  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

Jack R. Davis, Assistant Director  
for Program Management  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

Dennis L. Vernon, Sr. Security Specialist  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

FROM:

Roy P. Zimmerman, Director *Roy P Zimmerman*  
Office of Nuclear Security and Incident Response

SUBJECT:

APPOINTMENT OF PANEL TO REVIEW DIFFERING  
PROFESSIONAL OPINION INVOLVING FORCE-ON-FORCE  
EVALUATION CRITERIA (DPO-2005-001)

In accordance with Management Directive 10.159, I am appointing you as the ad hoc review panel for the Differing Professional Opinion (DPO) involving force-on-force evaluation criteria (DPO-2005-001). The panel will be chaired by Mr. Bruce Boger, Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation. Mr. Jack Davis and Mr. Dennis Vernon, Division of Nuclear Security, Office of Nuclear Security and Incident Response, round out the other panel members. All of you have technical and program knowledge about the U.S. Nuclear Regulatory Commission's (NRC's) force-on-force exercise and inspection program.

Your primary task is to conduct a thorough review of DPO-2005-001 (attached). Consistent with Section D.4 of the Handbook for MD 10.159, your specific tasks include:

- Review the DPO to determine if enough information has been supplied by the submitter to undertake a detailed review of the issue.
- Schedule and conduct a meeting with the submitter, generally within 8 calendar days of this memorandum, to discuss the scope of the issue. The scope should remain fully focused on the issue as stated and will not exceed the issue as defined in the original written DPO.
- Document the panel's understanding of the submitter's issue and transmit this understanding to the submitter for confirmation following the meeting.
- Establish a schedule of milestones for the disposition of the DPO.
- Request technical assistance through me, if necessary.
- Conduct a detailed review of the issue and conduct any record reviews or interviews or hold any discussions you deem necessary to provide a complete, objective, independent, and impartial review.
- Make recommendations back to me regarding the disposition of the issues presented in the DPO.

B. A. Boger, et al.

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Once you have received the necessary information to begin the review, you should complete your work and provide your recommendations to me in writing within 30 calendar days of your meeting with the submitter. Your schedule may need to be adjusted in accordance with Exhibit 1 of the Handbook for MD 10.159 if you conclude that the issue under review is especially complex. I have attached a copy of the MD for your reference.

Please note that all correspondence associated with your review should include the DPO number in the subject line and should not be placed in ADAMS until the case is closed. The DPO Program Manager will be meeting and communicating with all parties frequently during the review process to ensure that everyone understands the process, goals, and responsibilities. Although the submitter has not filed this DPO confidentially, all steps should be taken to treat the individual as if he had done so. In other words, the submitter's name should not be used in discussions about the DPO, documents should be distributed on an "as needed" basis, and managers and staff are counseled against "hallway talk" on the issue.

I appreciate your willingness and dedication to completing an objective review of DPO-2005-001. Successful resolution of the issue is important for NRC and its stakeholders. In addition, I understand that this is the first DPO under the newly improved DPO review process established in the revised MD 10.159. Consequently, as you conduct your review in accordance with MD 10.159 and with the NRC Organizational Values it would be appreciated if you would note any recommended changes to the new MD. If you have any questions, please do not hesitate to contact me or the DPO Program Manager, Renée Pedersen in the Office of Enforcement.

Attachments:

1. DPO 2005-001
2. MD 10.159

cc: R. Pedersen, Acting DPOPM